

Serial No. 10/598,544  
Matter No. 010200-122

PATENT

### Declaration and Petition

(X) Original ( ) Supplemental ( ) Substitute ( ) PCT ( ) Design

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled HEADSPACE SEALING AND DISPLACEMENT METHOD FOR REMOVAL OF VACUUM PRESSURE the specification of which

(check one) [ ] is attached hereto. [XX] was filed on March 4, 2005 as

Application Serial No. 10/598,544, Corresponding to PCT/NZ2005/000038 was amended on 3 September 2006 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known by me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Prior Application(s) In Other Countries

531573	New Zealand	4 Mar. 2004	Priority Claimed
537746	New Zealand	18 Jan. 2005	XX
(Number)	(Country)	(Filed – mm/dd/yy)	(Yes) (No)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

#### Prior United States Applications

PCT/N2005100038	4 March 2005	Pending
(Serial No.)	(Filing Date)	(Status – pending, abandoned, Pat. No.)

Please direct all correspondence to:

21836

PATENT TRADEMARK OFFICE

Serial No. 10/598,544 Matter  
Matter No. 010200-122

Namely:

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With Telephone calls to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor David Murray MELROSE

Inventor's signature *David Murray* Date 12/10/06

Residence 90 Balmoral Road, Mt Eden, Auckland 1024, New Zealand

Citizenship New Zealand

Post Office Address Same As Above